REMARKS

The January 24, 2007 Office Action was based on pending Claims 1, 3–6, 9 and 11–22. No claims are being amended or cancelled by this Response. In view of the remarks set forth below, Applicant respectfully requests reconsideration of Claims 1, 3– 6, 9 and 11–22 and submits that Claims 1, 3–6, 9 and 11–22 are in condition for allowance.

CLAIM REJECTIONS UNDER 35 U.S.C. § 103(a)

The Office Action rejected Claims 1, 3–6, 9 and 11–22 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,161,111 to Mutalik et al. ("Mutalik") in view of U.S. Patent No. 5,864,871 to Kitain ("Kitain"). Applicant respectfully disagrees with this rejection and submits that the foregoing claims are patentably distinguished over the cited references.

Independent Claim 1

Focusing on independent Claim 1, in one embodiment of Applicant's invention a data retrieval system is disclosed comprising the following <u>three</u> different computing devices:

1) A first computing device having an interface module for retrieving data for a software application;

2) A second computing device storing a <u>data index</u> that indicates a particular location of data on storage media; and

3) A third computing device storing a storage and backup map that maps the data to the second computing device.

Moreover, the second computing device is in communication with the first computing device and the storage media. The third computing device is in communication with the interface module of the first computing device and the second computing device.

Thus, the data retrieval system of Claim 1 has a two-tiered approach for locating stored data. The storage and backup map on the third computing device provides an indication of <u>which computing device is in communication with the storage media</u> storing the data (i.e., the second computing device). The data index on the second

computing device provides the particular location of the data on the storage media. For example, as further recited in dependent Claim 12, certain embodiments of the claimed retrieval system advantageously allow the first computing device to retrieve the data from the storage media without knowing the location of the data when requested by the software application.

Neither Mutalik, Kitain, nor the combination thereof, teaches or suggests the data retrieval system of Claim 1. For instance, neither of the references teaches or suggests a data retrieval system having three computing devices, wherein (i) one of the computing devices stores a storage and backup map that indicates which computing device is associated with the data of interest and (ii) a data index on the computing device identified by the map provides the particular location of the data on the storage media.

As shown and described with reference to Figure 1, Mutalik discloses a data processing system having a host (11) and a backup server (13) that access a mass storage subsystem (12). The backup server (13) generates a file map (40) that maps files to blocks on the mass storage subsystem (12) (see, e.g., col. 8, lines 35–40). In particular, the file map (40) provides an operating-system independent (back-up) map based on information received from the host (11) file system (see, e.g., col. 8, lines 34–63). Thus, both the host (11) and the backup server (13) appear to include parallel mappings of particular files to their locations of the mass storage subsystem.

The Mutalik system does not appear to have any teaching or suggestion of the two-tiered approach of the system of independent Claim 1, which uses: (i) a storage and backup map that associates data, for retrieval by a first computing device, to a second computing device, wherein the map is stored on yet another (third) computing device, and (ii) a data index on the second computing device that provides the location of the data on the storage media.

Kitain appears to be cited in the January 24, 2007 Office Action for teaching an interface module. In particular, Kitain discloses a research delivery user module that presents information to a user as in a research information delivery system. The Kitain system does not appear to include (i) a storage and backup map that maps data of interest on storage media to a particular computing device and (ii) a data index on the

particular computing device that provides the location of the data on the storage media. Moreover, it does not appear that the interface module disclosed in Kitain is in communication with another computing device that includes a storage and backup map that maps data of interest to a third computing device.

Because the cited references do not teach or suggest each element of the claimed retrieval system, Applicant asserts that Claim 1 is patentably distinguished over the cited references, and Applicant respectfully requests allowance of independent Claim 1.

Independent Claims 14 and 18

Independent Claims 14 and 18 are believed to patentably distinguished over the cited references for reasons similar to those set forth above with respect to independent Claim 1 and for the different features recited therein.

For example, neither Mutalik, Kitain, nor a combination thereof, teaches or suggests a data retrieval system having "a <u>plurality of computing devices</u> communicatively coupled to [a] plurality of storage media[, a] retrieval module comprising <u>a storage and backup map</u> that maps the requested data to at least one of the plurality of computing devices; and a <u>data index</u> stored on the at least one of the plurality of computing devices that indicates to the retrieval module a particular location of the requested data on the plurality of storage media," as recited in independent Claim 14 (emphasis added).

Furthermore, neither Mutalik, Kitain, nor a combination thereof, teaches or suggests a method having "activating a retrieval module of a first computing device to find a particular location of data requested by a second computing device; <u>selecting . . . one of a plurality of third computing devices</u> . . . based at least in part upon instructions contained in <u>a storage map</u>; and determining according to <u>a data index</u> stored on the selected third computing device the particular location of the requested data on at least one storage media," as recited by independent Claim 18 (emphasis added).

Dependent Claims 3–6, 9, 11–13, 15–17 and 19–22

Claims 3–6, 9 and 11–13 depend from independent Claim 1 and are believed to be patentably distinguished over the cited references for the reasons set forth above with respect to Claim 1 and for the additional features recited therein.

Claims 15–17 depend from independent Claim 14 and are believed to be patentably distinguished over the cited references for the reasons set forth above with respect to Claim 14 and for the additional features recited therein.

Claims 19–22 depend from independent Claim 18 and are believed to be patentably distinguished over the cited references for the reasons set forth above with respect to Claim 18 and for the additional features recited therein.

REQUEST FOR TELEPHONE INTERVIEW

Pursuant to M.P.E.P. § 713.01, in order to expedite prosecution of this application, Applicant's undersigned attorney of record hereby formally requests a telephone interview with the Examiner as soon as the Examiner has considered the effect of the arguments presented above. Applicant's attorney can be reached at the general office number listed below.

CONCLUSION

In view of the foregoing, the present application is believed to be in condition for allowance, and such allowance is respectfully requested. If further issues remain, the Examiner is cordially invited to contact the undersigned such that any remaining issues may be promptly resolved.

Moreover, by the foregoing remarks no admission is made that any of the above-cited references are prior art to the pending claims and/or are properly combinable. Furthermore, Applicant respectfully disagrees with the Examiner's characterization of the cited references and reserves the right to distinguish the substantive content of these references in response to any subsequent Office Action.

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: _____4/23/2007_____   By: _____

Christian A. Fox
Registration No. 58,507
Attorney of Record
Customer No. 20,995
(949) 760-0404

3663035: 041707